

## **REMARKS**

Claims 1-4 were presented and examined. Claims 1, 3, and 4 are amended. No claims are added or cancelled. Claims 1-4 remain in the application. Reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

### **Objections to the Claims**

Claims 3 and 4 are objected to for insufficient antecedent basis for the limitation “the first, second, and third paths.” Claims 3 and 4 are amended herein. Withdrawal of the objection is respectfully requested.

### **Rejections of the Claims under 35 U.S.C. § 103**

Claims 1-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over US Publication 2001/0025310 of Krishnamurthy, et al. (“Krishnamurthy”) in view of US Publication 2003/0048760 of Kobayashi (“Kobayashi”). Applicants respectfully traverse these rejections.

While Applicant’s argument here is directed to the cited combination of references, it is necessary to first consider their individual teachings, in order to ascertain what combination (if any) could be made from them.

Regarding Claim 1, Claim 1 is amended to recite that the QoS data rate for multimedia applications is prioritized over the QoS data rate for general applications by transmitting multimedia application data over *an end-to-end reserved path, including the first, second, and third paths, that is established according to the allocating resource request issued by an application that requires a guaranteed QoS*. Similar amendments are made to Claims 3 and 4. Claim 1, as amended, recites a QoS data path is set by an access gate-way at an edge side according to routing information in a routing table, not by signaling between end-hosts.

Regarding the rejection of Claim 1, the Examiner has failed to identify, and we are unable to discern, any portion of Kobayashi which discloses that the QoS data rate for multimedia applications is prioritized over the QoS data rate for general applications by transmitting multimedia application data over an end-to-end reserved path, including the first, second, and third paths, that is established according to the allocating resource request issued by an application that requires a guaranteed QoS, as in Claim 1.

According to the Office Action, this feature of Claim 1 is disclosed by paragraphs 90, 83, 176, 91, and 98 of Kobayashi (see pages 5-6 of the Office Action mailed April 16, 2008). However, as disclosed by Kobayashi, a route selection condition setting unit 33 selects the optimal route of paths for transfer of each data separated in accordance with a data classification condition (see page 4, paragraph 83). We submit that selecting the optimal route for each string of data in accordance with a discriminated type and destination and a holding unit for holding the optimal routing information for each type of data and destination and sending received data toward the optimal route (see Abstract), is different from a QoS data rate for multimedia applications that is guaranteed and a QoS data rate for general applications that is not guaranteed, much less where the QoS data rate for multimedia applications is prioritized over the QoS data rate for general applications by transmitting multimedia application data over an end-to-end reserved path, including the first, second, and third paths, that is established according to the allocating resource request issued by an application that requires a guaranteed QoS, as in Claim 1.

We believe that by selecting the optimal route for each type of data and the corresponding destination, Kobayashi does not teach that QoS data rate for multimedia application data is prioritized over the QoS data rate for general application data by transmitting multimedia application data over a reserved path from one of the first, second, and third paths, as in Claim 1.

In Claim 1, an access gate-way at the edge side classifies QoS data, and more particularly, the access gate-way at the edge side performs an operation to forcibly

convert packets of QoS data indicated by a user to packets of general-type QoS data which are not indicated by the user when a user's contract is breached or added. For example, it is assumed that a user makes a contract to use 1 Gbyte QoS data per 1 month, and the user uses the QoS data more than 1 Gbyte per 1 month because he saw a high resolution video data. He cannot send or receive the QoS data any more; nevertheless, if he tries to send or receive the QoS data, the access gate-way the edge side forcibly converts the packets of QoS data indicated by the user to packets of general-type QoS data. In fact, Kobayashi explicitly prioritizes HTTP data and spreadsheet data over multimedia data (see page 5, paragraphs 90 and 99).

Therefore, no combination of Krishnamurthy in view of Kobayashi can teach or suggest a transmitting node that separates multimedia application data and general application data with a QoS data rate that is based on a required data rate for guaranteeing QoS based on application type, much less a QoS data rate for multimedia applications that is guaranteed and a QoS data rate for general applications that is not guaranteed, where the QoS data rate for multimedia application data is prioritized over the QoS data rate for general application data by transmitting multimedia application data over an end-to-end reserved path, including the first, second, and third paths, that is established according to the allocating resource request issued by an application that requires a guaranteed QoS, as in Claim 1.

For each of the above reasons, therefore, Claim 1 and all claims which depend from Claim 1 are patentable over the cited art.

Each of independent Claims 3 and 4 recite features similar to those highlighted above with reference to Claim 1. Therefore, Claims 3 and 4 are patentable over the cited art for similar reasons.

### DEPENDENT CLAIMS

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

### CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

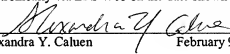
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